

### **Remarks**

Claims 63-76 and 83-111 are pending in this application. Claims 28-62 and 79-82 have been canceled. Claim 63 was amended. New claims 85-111 were added. Support for the claim amendment and new claims can be found throughout the application. Therefore, no new matter has been added. Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments to the claims are made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to prosecute the canceled claims in one or more divisional applications claiming the benefit of priority to the instant application and its predecessor(s). 35 USC § 121.

### **Election/Restriction**

The Applicants respectfully affirm the provisional election of Invention IV, claims 63-76, 83, and 84. Based on this election, claims 28-62 and 79-82 have been canceled without prejudice. The Applicants also affirm the election of species for search purposes as follows: 2-hydroxyethyl acrylate for claims 65, 72, and 75; and 2-hydroxyethyl acrylate and acrylic acid for claim 76. Pursuant to MPEP § 809.02(a), new claims 85-111 read on the aforementioned species elected for search purposes.

### **Claim Rejections Based on 35 USC § 112**

Claims 63-76 were rejected under 35 USC § 112¶2, on grounds that “claim 63 is depended upon any of claims 1-27, which were canceled without prejudice.” In order to correct this formality, claim 63 has been amended to recite explicitly formula 1 and formula 2, which were formerly incorporated by reference. Support for formula 1 and formula 2 can be found in claims 1 and 16, respectively. In view of the amendment to claim 63, new claims 85-111 were added. Support for new claims 85-111 can be found in claims 1-27. Accordingly, the Applicants request withdrawal of the rejection of claims 63-76 based on 35 USC 112¶2.

### **Allowable Subject Matter**

The Applicants gratefully acknowledge the Examiner’s indication that claims 83 and 84 are allowed.

**Fees**

The Applicants believe that they have provided for all required fees in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any additional fees due in connection with the filing of this Response to our Deposit Account, No. 06-1448 reference BMX-003.02.

**Conclusion**

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,

FOLEY HOAG LLP



Dana M. Gordon, Ph.D.  
Attorney for Applicants  
Registration No. 44,719

Patent Group  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210

617-832-1000

617-832-7000 (FAX)

Date: 6/7/06